

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JAMES E. GIDDENS, )

4 )  
5 Plaintiff, )

6 vs. )

7 MESQUITE GAMING LLC, )

8 *doing business as* )

9 Casablanca Resort, )

10 Defendant. )

Case No.: 2:17-cv-00922-GMN-VCF

**ORDER**

11 Pending before the Court is the Report and Recommendation of United States  
12 Magistrate Judge Cam Ferenbach, (ECF No. 5), which recommends that Plaintiff's claim  
13 against Mesquite Gaming, LLC be dismissed without prejudice.

14 A party may file specific written objections to the findings and recommendations of a  
15 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);  
16 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo  
17 determination of those portions to which objections are made. *Id.* The Court may accept, reject,  
18 or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.  
19 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is  
20 not required to conduct "any review at all . . . of any issue that is not the subject of an  
21 objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized  
22 that a district court is not required to review a magistrate judge's report and recommendation  
23 where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114,  
1122 (9th Cir. 2003).

24 Here, no objections were filed, and the deadline to do so has passed.

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 5), is  
3 **ACCEPTED and ADOPTED** in full.

4 **IT IS FURTHER ORDERED** that Plaintiff's claim against Mesquite Gaming, LLC be  
5 **DISMISSED without prejudice.**

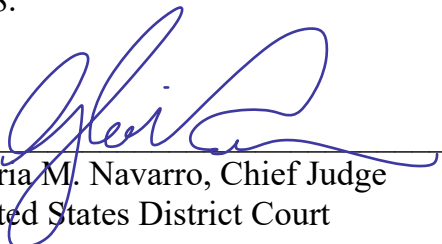
6 **IT IS FURTHER ORDERED** that the Plaintiff shall have until Friday, May 11, 2018,  
7 to file an amended complaint. Failure to timely file an amended complaint may result in the  
8 dismissal of this case with prejudice.

9 **IT IS FURTHER ORDERED** that Plaintiff's Amended Complaint, (ECF No. 7), is  
10 **STRICKEN.**

11 **IT IS FURTHER ORDERED** that Defendant's Motions to Dismiss, (ECF Nos. 9 and  
12 11), are **DENIED without prejudice.**

13 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed NOT to issue  
14 summons on the Amended Complaint when it is filed. The assigned magistrate judge will issue  
15 a screening order on the Amended Complaint and address the issuance of Summons at that  
16 time, if applicable, pursuant to 28 U.S.C. § 1915(e)(2).

17 **DATED** this 2 day of April, 2018.

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19   
20 Gloria M. Navarro, Chief Judge  
21 United States District Court  
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